

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, REQUIRING COUNCILMEMBERS WHO ARE PHYSICALLY PRESENT AT COUNCIL MEETINGS TO VOTE ON ALL ITEMS, INCLUDING IN THE EVENT A COUNCILMEMBER IS TEMPORARILY ABSENT FROM THE DAIS DURING A VOTE ON AN ITEM, IN ACCORDANCE WITH §286.012, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, pursuant to §286.012, Florida Statutes, all members of the City Council physically present at council meetings have a duty to vote on all business that comes before the Council unless they publicly declare a conflict of interest and recuse or remove themselves from consideration of the matter in accordance with state laws and local procedures and policies for dealing with conflicts of interest; and

WHEREAS, in AGO 74-289, the Attorney General has opined that a member of a governmental body, such as a board of county commissioners, is expected to attend and remain at meetings of the body of which he is a member, barring an emergency or other matter beyond his control which compels his presence elsewhere and when some necessity compels the temporary absence of a member of such a body during the course of a meeting, the appropriate procedure would be to recess the meeting until the member can return or, at least, to postpone a vote on any matter before the body until his return; and

WHEREAS, that in the event a member of the Council is temporarily absent from the dais during a vote on an item, the councilmember still has an obligation to publicly register his or her vote upon return to the dais.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Duty to Vote. The Mayor and City Council of the City of North Miami, Florida, shall have a duty to vote on all items that come before the Council unless they publicly declare a conflict of interest and recuse or remove themselves from consideration of the matter in accordance with state laws and local procedures and policies for dealing with conflicts of interest.

Section 2. Temporary Absence. During the temporary absence of a member from a meeting immediately prior to a vote on an item, such member should be regarded as being present and the meeting should either be recessed or such member's vote should be postponed until the temporarily absent member can return to register his or her vote.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)